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EXAMINER

KE, PENG

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/750,525	Applicant(s) LINJAMA, JUKKA	
	Examiner SIMON KE	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications: Preliminary Amendment, filed on 12/30/03.

Claims 1-6, and 8-25 are pending in this application. Claims 1, and 10 and 19 are independent claims. In the Amendment, filed on 12/30/03, claims 1-6 and 8-19 were amended and claims 20-25 were added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, and 8-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Orchard Patent US 6,834,249 in view of Tierling Patent 7,218,310.

As per claim 1, Orchard teaches a method comprising:

providing a gesture by tapping a device, (see Orchard; col. 3, lines -10) said gesture comprising at least one component of the three dimensions, (see Orchard; column 1, lines 45-60; column 8, lines 8-40; Orchard teaches detecting motion in Y-axis, X-axis, and Z-axis);

the motion sensor of the device detecting said gesture (see Orchard; column 1, lines 45-60; Orchard teaches a motion detection sensors and a motion control agent) and

However, Orchard fails to teach providing a feedback in response to said gesture detection to confirm a user that said gesture was detected.

Tierling teaches providing a feedback in response to said gesture detection to confirm a user that said gesture was detected. (see Tierling col. 1, lines 50-60)

It would have been obvious to an artisan at the time of the invention to include Tierling's teaching with method of Orchard in order to provide user with physical feedback.

As per claim 2, Orchard and Tierling teach a method according to claim 1. Orchard teaches characterized in that said gesture selects a function of the device. (see Orchard; column 8, lines 18-25; upon detecting motion the highlighted active region is moved one icon to the right and applications are functions of a device.)

As per claim 3, Orchard and Tierling teaches a method according to claim 1. Orchard further teaches characterized in that said gesture activates a function of the device. (see Orchard; column 8, lines 18-25; upon detecting motion the highlighted active region is moved one icon to the right and applications are functions of a device.)

As per claim 4, Orchard and Tierling teach a method according to claim 2. Orchard teaches characterized in that said function is a scroll of a list in the user interface of the device. (see Orchard; column 7, lines 65-column 8, lines 10; Scrolling a

page of content is a scrolling a list)

As per claim 5, Orchard and Tierling teach a method according to claim 1.

Orchard teaches characterized in that said gesture moves a game cursor on the display of the device in two dimensions. (see Orchard; column 8, lines 18-25; upon detecting motion the highlighted active region is moved one icon to the right and applications are functions of a device and the moved icon is a game cursor and movement from left to right is a two dimensional movement)

As per claim 6, Orchard and Tierling teach a method according to claim 5.

Orchard further teaches characterized in that a further gesture in a third dimension of the device accepts the move made by the user in two other dimensions. (see Orchard; column 8, lines 30-40, Detecting motion in z-axis cause the application to be launched and highlighting and launching are selection confirmation)

As per claim 8, Orchard and Tierling teach a method according to claim 3.

Orchard teaches characterized in that said activation is confirmed by said feedback. (see Orchard; column 8, lines 30-40, Detecting motion in z-axis cause the application to be launched and highlighting and launching are selection confirmation visual feedback)

As per claim 9, Orchard and Tierling teach a method according to claims .
Orchard further teaches characterized in that said feedback is at least one of the following: a tactile feedback, an audible feedback or a visual feedback. (see Orchard; column 8, lines 30-40, Detecting motion in z-axis cause the application to be launched and highlighting and launching are selection confirmation visual feed back)

As per claim 10, Orchard teaches an electronic device comprising:
Means for sensing multi-dimensional motion
detecting means for detecting a gesture made by user tapping the device at least once, (see Orchard; col. 3, lines -10) said gesture comprising at least one component of the multi-dimensional motion that is detectable by said sensing means; (see Orchard; column 1, lines 45-60; column 8, lines 8-40; Orchard teaches detecting motion in Y-axis, X-axis, and Z-axis) and

feedback means for providing a feedback in response to said detected gesture.
(see Orchard; column 1, lines 45-60; Orchard teaches a motion detection sensors and a motion control agent)

However, Orchard fails to teach means for providing a feedback in response to said gesture detection to confirm a user that said gesture was detected.

Tierling 7,218,310 teaches providing a feedback in response to said gesture detection to confirm a user that said gesture was detected. (see Tierling col. 1, lines 50-60)

It would have been obvious to an artisan at the time of the invention to include Tierling's teaching with method of Orchard in order to provide user with physical feedback.

As per claim 11, Orchard and Tierling teach a device according to claim 10. Orchard further teaches characterized in that said detecting means are arranged to select a function in response to said detected gesture. (see Orchard; column 8, lines 18-25; upon detecting motion the highlighted active region is moved one icon to the right and applications are functions of a device.)

As per claim 12, Orchard and Tierling teach a device according to claim 10. Orchard further teaches characterized in that said detecting means are arranged to activate a function in response to said detected gesture. (see Orchard; column 8, lines 18-25; upon detecting motion the highlighted active region is moved one icon to the right and applications are functions of a device.)

As per claim 13, Orchard and Tierling teach a device according to claim 11. Orchard further teaches characterized in that said feedback means are arranged to inform the user about the confirmation of said selection. (see Orchard; column 8, lines 30-40, Detecting motion in z-axis cause the application to be launched and highlighting and launching are selection confirmation)

As per claim 14, Orchard and Tierling teach A device according to claim 12. Orchard further teaches characterized in that said feedback means are arranged to inform the user about the confirmation of said activation. (see Orchard; column 8, lines 30-40, Detecting motion in z-axis cause the application to be launched and highlighting and launching are selection confirmation)

As per claim 15, Orchard and Tierling teach device according to claims 13. Orchard further teaches characterized in that said feedback means are arranged to provide at least one of the following feedback: a tactile feedback, an audible feedback or a visual feedback. (see Orchard; column 8, lines 30-40, Detecting motion in z-axis

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cause the application to be launched and highlighting and launching are selection confirmation visual feedback)

As per claim 16, Orchard and Tierling teaches an electronic device according to claim 10. Orchard further teaches characterized in that said gesture is arranged to move a game cursor on the display of the device in two dimensions. (see Orchard; column 8, lines 30-40, Detecting motion in z-axis cause the application to be launched and highlighting and launching are selection confirmation)

As per claim 17, Orchard and Tierling teach a method according to claim 16. Orchard further teaches characterized in that a further gesture in a third dimension of the device is arranged to accept the movement made by the user in two other dimensions. (see Orchard; column 8, lines 30-40, Detecting motion in z-axis cause the application to be launched and highlighting and launching are selection confirmation)

As per claim 18, Orchard and Tierling teach a device according to claims 10. Orchard further teaches characterized in that said device is at least one of the following:

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a portable game console or a wireless communication device. (see Orchard; column 6, lines 50-55; PDA is a wireless communication device)

As per claim 19, Orchard teaches a computer readable medium that stores program instructions, execution of the program instructions resulting in operation that comprise providing interaction between a user of said electronic device, said device comprising an user interface and a motion sensor capable of detecting three dimensional motion, said operations further comprising:

Detecting at least one gesture of made by the user tapping the device at least once, (see Orchard; col. 3, lines -10) said gesture comprising at least one component of the three dimensions, (see Orchard; column 1, lines 45-60; column 8, lines 8-40; Orchard teaches detecting motion in Y-axis, X-axis, and Z-axis)

However, Orchard fails to teach providing a feedback in response to said gesture detection to confirm a user that said gesture was detected.

Tierling 7,218,310 teaches providing a feedback in response to said gesture detection to confirm a user that said gesture was detected. (see Tierling col. 1, lines 50-60)

It would have been obvious to an artisan at the time of the invention to include Tierling's teaching with method of Orchard in order to provide user with physical feedback.

Claims 20-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orchard Patent US 6,834,249 in view of Rosenberg 7,148,875.

As per claim 20, Orchard teaches an apparatus, comprising:

A sensor configured to detect a tap performed by a user on the apparatus;

However Orchard fails to teach a tactile feedback generator configured to generate vibration pulses; and

A controller coupled together with said sensor and said tactile feed generator and configured to respond to a detection of at least one tap to activate said tactile feedback generator to confirm the user that the tap was detected.

Rosenberg teaches

a tactile feedback generator configured to generate vibration pulses; and (see Rosenberg, col. 11, lines 20-40)

a controller coupled together with said sensor and said tactile feed generator and configured to respond to a detection of at least one tap to activate said tactile feedback generator to confirm the user that the tap was detected. (see Rosenberg, col. 11, lines 20-40)

It would have been obvious to an artisan at the time of the invention to include Rosenberg's teaching with method of Orchard in order to provide user with physical feedback.

As per claim 21, Orchard and Rosenberg teach the apparatus of claim 20.

Rosenberg further teaches where said controller is further configured to respond to at

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least one detected tap to control at least one operation of said apparatus. (see Rosenberg, col. 11, lines 20-40)

As per claim 22, Orchard and Rosenberg teach the apparatus of claim 20. Rosenberg further teaches a communication network transceiver, where said controller is further configured to respond to at least one detected tap to control at least one operation of at least one of originating and terminating a communication via said communication network transceiver. (see Rosenberg, col. 4, lines 40- 65)

As per claim 24, Orchard and Rosenberg teach the apparatus of claim 20. Rosenberg further teaches a communication network transceiver, where said controller is further configured to respond to at least one detected tap to control at least one operation of game play via said communication network transceiver. (see Rosenberg, col. 1, lines 20-40)

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orchard Patent US 6,834,249 in view of Rosenberg US Patent 7,148,875 further in view of Brewer US Patent 5,611,040

As per claim 23, Orchard and Rosenberg teach the apparatus of claim 20. They fail to teach a timer configurable by said controller to initiate a timing operation in response to detecting a first tap to determine whether another tap is received within a predetermined period of time that indicates that the second tap is related to the first tap.

Brewer teaches a timer configurable by said controller to initiate a timing operation in response to detecting a first tap to determine whether another tap is received within a

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predetermined period of time that indicates that the second tap is related to the first tap. (see Brewer col. 4, lines 55-70)

It would have been obvious to an artisan at the time of the invention to include Brewer's teaching with method of Orchard and Rosenberg in order to provide user double clicking option.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orchard Patent US 6,834,249 in view of Rosenberg US Patent 7,148,875 further in view of Chang US Patent 7,325,029

As per claim 25, Orchard and Rosenberg teach the apparatus of claim 20. They fail to teach a communication network transceiver, where said controller is further configured to respond to at least one detected tap to control least one operation of selecting a telephone number to call via said communication network transceiver.

Chang teaches a communication network transceiver, where said controller is further configured to respond to at least one detected tap to control least one operation of selecting a telephone number to call via said communication network transceiver. (see Chang, abstract)

It would have been obvious to an artisan at the time of the invention to include Chang's teaching with method of Orchard and Rosenberg in order to provide user to make phone call through internet.

Response To Argument

Applicant's arguments with respect to claims 1-6, and 8-25 have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke

/Peng Ke/
Examiner, Art Unit 2174

/David A Wiley/
Supervisory Patent Examiner, Art Unit 2174